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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,068	07/11/2003	Steven T. Rosenberg	100202494-1	5908

22879 7590 02/21/2007
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

PANDYA, SUNIT

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/11/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7/11/2003 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the references listed therein.

Oath/Declaration

Acknowledgement is made of applicant's Oath/Declaration meets standard required by 35 U.S.C 25 & 115.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a controller with an input having a movable reference surface, classified in class 463, subclass 7, 37-38.
- II. Claims 13-24, drawn to a controller being the input device having a three-dimensional position coordinates for the input based on the movement of the controller, classified in class 463, subclass 36, 39.

The inventions are distinct, each from the other because of the following reasons:

In the instant application, the different inventions I is directed towards a controller with an input having a movable reference surface, similar to a joystick being controlled by the user. Invention II, in the instant application, is directed towards a controller being an input device, wherein the input coordinates with the movement of the controller

which is attached to the player, having a three-dimensional position coordinates for the input based on the movement of the controller.

The response to the restriction filed by the applicant on 12/18/2006 is considered by the examiner as a selection of the invention to prosecute, therefor claims 13-24 will be examined, and claims 1-12 are withdrawn from the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (US Patent 5,616,078).

Claim 13: Oh discloses a device for controlling a video game comprising a movable input (col. 2: 12-28), an imager attached to the input and operable to capture images of a scene in the vicinity of the input (col. 2: 40-56), a movement detector operable to compute three-dimensional position for the input based in part on one or more comparisons between images of the scene captured by the imager and to generate output signals for controlling the video game based on the computed position coordinates (col. 2-3 59-4).

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Claim 14: Oh discloses the movement detector operable to compute rotational position of the movable input based on one or more comparisons between images of the scene captured by the imager (col. 5: 11-23).

Claim 15: Oh discloses the input as a device for simulating a sports game (col. 5: 24-28, wherein boxing is a sporting event).

Claim 16: Oh discloses the input as formed in shape of glove to be fitted on the player (col. 5- 24-37, wherein the input device can be fitted at multiple body parts which includes hands).

Claims 17-19: Oh discloses a sensor unit, which is attached to the input and operable to generate signals indicative of movement of the input in three-dimensions (col. 5: 11-43, 6-7: 66-7 and 9: 4-14).

Claims 20-24: Oh discloses of a movement detector, which is operable to computer information relative to position information computed from comparison between images of the scene captured by the imager (figure 9, col. 5: 11-43, col. 6: 44-50, 7: 34-50 and 9: 4-14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", followed by a stylized flourish or mark.

CORBETT B. COBURN
PRIMARY EXAMINER